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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

11 LOOP AI LABS, INC.,

Case No. 3:15-cv-00798-HSG-DMR

12 Plaintiff,

13 v.
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**DECLARATION OF WILLIAM F.
ALDERMAN IN OPPOSITION TO
APPLICATION FOR ORDER TO
SHOW CAUSE**

ANNA GATTI, et al.,

Date/Time: TBD by Court
Action Filed: February 20, 2015
Trial Date: July 11, 2016

Defendants.

Hon. Haywood S. Gilliam, Jr.
Hon. Donna M. Ryu

I, William F. Alderman, declare as follows:

1. I am a partner in the law firm of Orrick, Herrington & Sutcliffe LLP ("Orrick")
and submit this declaration in support of Orrick's opposition to plaintiff's application for an order
to show cause why a contempt citation should not issue against Orrick. I have personal
knowledge of the facts stated in this declaration, and I could and would testify competently to
those facts if called as a witness.

2. Attached as Exhibit A is a true and correct copy of the outside of an envelope left
at Orrick's first-floor mail room at its 405 Howard Street office in San Francisco, together with
the contents that were found in the envelope when opened, as described in the accompanying
declaration of Lawrence B. Low. As shown on the time stamp on Exhibit A, the envelope was

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1 | dropped off at the mail room at 5:19 p.m. on June 1, 2015.

2 3. Nothing on the envelope included in Exhibit A indicated that it contained a
3 subpoena. Nor, as stated in the accompanying declaration of Rey Suansing, did the person
4 delivering Exhibit A say or suggest that it contained a subpoena.

5 4. I am one of two people in Orrick's San Francisco office authorized to accept
6 subpoenas directed to the firm. The other is Katherine Ikeda, the firm's Associate Chief Legal
7 Officer. Attached as Exhibit B is a true and correct copy of a portion of a page from the firm's
8 internal electronic portal identifying Ms. Ikeda and myself as such.

9 5. If a person seeking to serve a subpoena on the firm appears at the San Francisco
10 office, the firm's policy and procedure is as follows. Anyone arriving at the first floor mail room
11 will be directed to the tenth floor reception desk, as confirmed in the attached declarations of
12 Dawn Loosen and Rey Suansing. The receptionist will advise the person that Ms. Ikeda and
13 myself are the Orrick personnel authorized to accept service on behalf of the firm, as confirmed in
14 the attached declaration of Ingrid Rucker. The receptionist will then call Ms. Ikeda or myself,
15 and one of us will come to the reception desk to accept service of the subpoena. If neither of us is
16 available at the time, the receptionist will seek to determine our availability and advise the person
17 to return at a time when the subpoena can be served.

18 6. I have personally accepted many dozens of subpoenas on behalf of Orrick that
19 were served in this manner. I am not aware of any instance other than this case in which anyone
20 attempted to serve a subpoena on the firm by leaving a sealed envelope in the San Francisco
21 office's mail room, addressed to an Orrick lawyer only as ordinary mail would be.

22 7. As described in the accompanying Declaration of Lawrence B. Low, I understand
23 that Exhibit A, after being received in our mail room, was received by Mr. Low the next day via
24 interoffice mail. Mr. Low's assistant Stacy Donlon sent a copy of Exhibit A to my office via
25 email on June 2, 2015. I was working only intermittently at the time, recuperating from a broken
26 leg. Subsequently, however, I returned to the office and saw Exhibit A among the other emails
27 that had accumulated.

8. After reading Exhibit A and the subpoena it contained, I sent plaintiff's counsel Valeria Healy an email on Friday, June 12, 2015, a true and correct copy of which is attached as Exhibit C hereto. I advised Ms. Healy that, although Exhibit A had not yet been served, I wanted to discuss a few issues that would facilitate Orrick's eventual response, including attorney-client privilege claims by defendants and the scope and timing of Orrick's response.

9. Later that evening, I received a telephone call from Ms. Healy, in which she immediately took a combative approach and rejected my efforts to cooperate with her, instead saying she would immediately move to compel compliance with the subpoena. After the call, Ms. Healy sent me an email purporting to describe the call as a “meet and confer” and containing a number of factual inaccuracies regarding the contents of the call. I responded the next business day, Monday, June 15, 2015 and again said that I hoped to have a constructive dialog with Ms. Healy about responding to the subpoena. A true and correct copy of the email exchange with Ms. Healy is attached as Exhibit D hereto.

10. I received another email from Ms. Healy on the evening of June 15, 2015 when I was sick in bed at home. I advised Ms. Healy that I would respond as soon as I could return to work, which I did on June 18, 2015. A true and correct copy of the email exchange is attached as Exhibit E hereto, in which among other things I agreed to accept service of plaintiff's subpoena by email and, if plaintiff chose to file a motion to compel despite Orrick's repeated offers to cooperate, to accept service of the motion papers by email.

11. Notwithstanding my offer to accept service of the subpoena via email, Ms. Healy has made no attempt to serve the subpoena in that manner.

I declare under penalty of perjury that the foregoing is true and correct and that I executed this declaration at San Francisco, California on July 21, 2015.

William F. Alderman

William F. Alderman